

App. F. IX-4

1954-55
(G.T.B.)

File No. 12-54-

Serial Nos. 10, 11

Previous References.

G.T.B. 3-53-17, 18, 19, 20

Later References.

MYSORE GOVERNMENT SECRETARIAT

Serial Nos. 7000

Part B for September 1954

SUBJECT

Acquisition of A. Nos 2398/1, 2398,
2396 and 2396/1; Paduvamhalli, Devaraja
Mohalla, Mysore

WD 03555-GPB-25,000-2-7-53.

70,

The Chairman, C.G.T.B., Mysore

L. 7952/ Dated 30.9.54

Issues contain instructions

18/10/54
C/E

For. Ramabhadran
20/10/54

①

A 79/04

Peti. & 16-4-54 of from Sri. Karigalla
 & others of Padavabhalli presents
 through their counsel re their properties
 at Padavabhalli - in acquisition.

1) Orders of the Minister for
 P.H. & Leg. -

"I give a stay order.
 I will inspect the spot
 when I go to
 Mysore next"

(2) To
 27/17/4.

2) Submitter with a draft letter & a draft
 endorsement.

M 20/4.

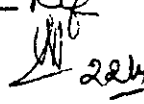
802
 20/4

3) 
 20/4

The chairman, M. & 3
 L 855 & 20-4-54
 calls for a report.
 on a stay order
 L 856 & 20-4-54
 asks an endorsement
 to the point.

OFFICE OF THE MINISTER FOR PUBLIC HEALTH & LOCAL-SELF GOVERNMENT.
26 APR
No 477.

Call on the
 previous collection, if any
 on the subject
 Collection No
 816 & 32-17, 18, 19, 20 & acting
 the acqu. of properties
 & P.H. & Leg.
 28/4 802
 28/4

4) This may kindly be referred to the
 P.A. to the Minister for P.H. & Leg. - Ref
 para 1 above.
 M 21/4.
 802
 21/4
 to Minister d.S.P.
 P. A.  22/4

P.T.O.

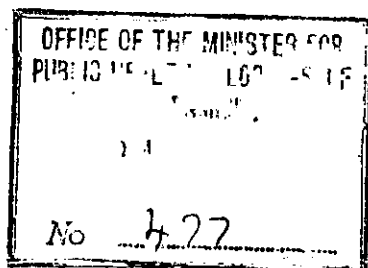
A79/M

(2)

Acquisition of D.Nos.2398/1, 2398, 2396 and 2391/1, Padavarahalli,
Devaraja Mohalla, Mysore.

127

I inspected the Takrar spot on 17th September 1954. The Chairman of the Trust Board was present. The service road originally aligned will be in keeping with the alignment of the roads to the east of the petitioners' houses. The formation of this road will not involve acquisition of their properties. But the Trust Board now propose to slightly deviate the road, which involves acquisition of some portions of their houses. I found that the deviation proposed is unnecessary and will not fit in with the alignment of the roads in the immediate vicinity, apart from the hardship and inconvenience caused to the petitioners. The Chairman has no objection to form the road as originally aligned. I accordingly order that acquisition of properties Nos.2398/1, 2398, 2396 and 2391/1 be dropped. The Chairman Trust Board, may be requested to send up fresh proposals to form the road as originally aligned with necessary declaration statements etc.



22/9/54

24/9/54
24/9/54

Draft letter is found.

25/9/54
28/9/54

28/9/54

To,
The Chairman, N.T.B.

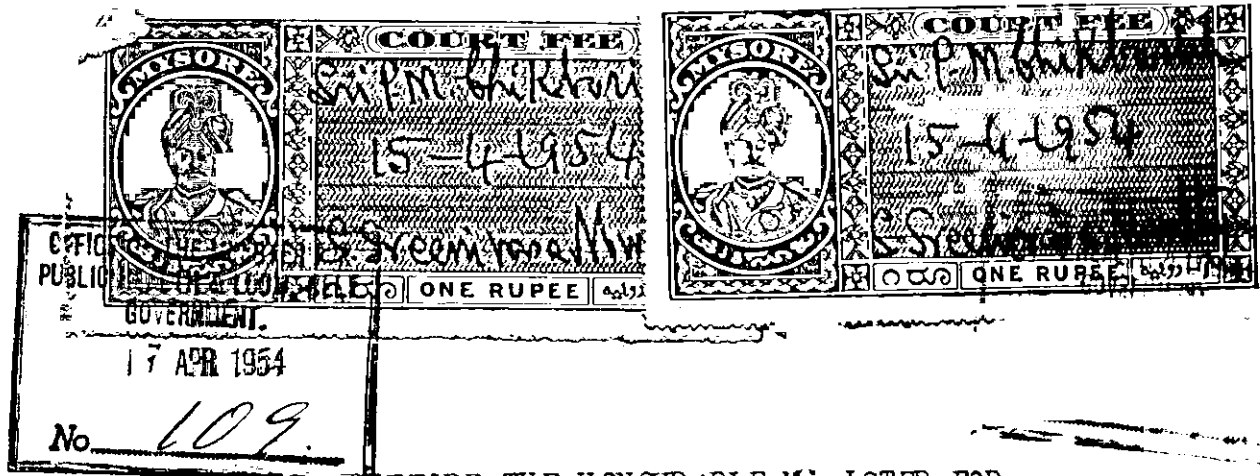
27952 of 30-9-54
some certain orders.

27953 of 30-9-54

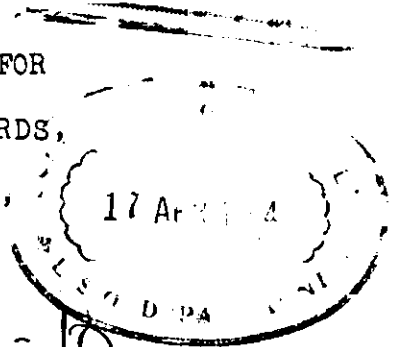
— copy to the M.L. Comm. by...

Bh...

(1)



BEFORE THE HONOURABLE MINISTER FOR
PUBLIC HEALTH AND TRUST BOARDS,
Government of Mysore,
BANGALORE.



L86.
Issue a stay order.
I will inspect
the spot. When
I go to Mysore
next.

JTB. 12:84-10

- Petitioners: 1. Kariyappa alias Venkata,
son of Horniah.
2. Venkataiah son of
Dhoomiah.
3. Devamma, wife of
Bettegowda.

All the three are the residents of
Padavarahally, Devaraja Mohalla,
Mysore City.

The petitioners beg to state as follows:

1. The first two petitioners are barbers by
caste and profession and the third is a Vokka-
ligar, ~~and~~ agriculturist by profession.

2. Since a long time the improvement scheme
of Padavarahally village is pending and in that
connection several houses are to be dismantled
in order to form straight road. No doubt this
scheme would improve the village and health of
the people ~~to~~ to a great extent. As such
the villagers are most anxious to get through
the work as early as possible.

3. At present, Mysore City Improvement
Trust Board has chosen to lay out two roads in
order to lesson the congession and open out
filthy places of the village. In this connec-
tion nearly 36 persons are going to lose their

17/4
17/4
17/4
x x x
S. M. P.

(2)

- 2 -

houses as per the notification dated 11-3-54 in the Mysore Gazette. Out of those except the petitioners, others have already submitted their willingness to forgo their interest in the houses which are to be demolished.

4. The petitioners, being illeterate and ignorant, were not aware of the acquisition proceedings, except about two years back, one -- notice was served on the petitioners stating that the Mysore City Improvement Trust Board has proposed to acquire the schedule properties mentioned hereunder. Immediately petitioners submitted their objection statement. The objections are:

(a) The newly proposed one road that runs west to east which according to the present plan requires the dismantling of the petitioner's houses is not correct, because if that is to be straight road of 90 degrees it ought to run just on the south of the petitioner's houses.

(b) But as they learn and that the original plan (prepared after filing of the petition) has been correctly drafted in accordance with the existing road and its continuation. Now there seems to have made certain alterations by which the proposed road is slightly deviated. This sort of deviation saves about three houses whose owners are sufficiently rich. According to the original plan, the schedule properties were not proposed for acquisition.

(c) These poor people are not in a position and status either to construct new house or to make any other arrangement for their resi-

3

- 3 -

residential purposes. The aforesaid deviation of the road in question involves some other complicated matters. No -- amount of writing will convince and clarify ^{the} position unless the spot is inspected. Therefore spot inspection is very - essential to finalise the proposed acquisition.

5. The petitioners objections of the proposed acquisition about two years back were not taken into consideration. The concerned authorities would have enquired the parties and decided the matter impartially. Under these circumstances, the acquisition of the schedule houses is absolutely unnecessary for the formation of the road in the correct line.

6. It is surprising that about a week back the petitioners were served with notices to give their statements before the Land Acquisition Officer in respect of the value of the schedule houses with their relevant documents. Hence the Land Acquisition -- Officer may take up the possession of the houses by evicting the petitioners. If that situation arises, the petitioners would be put to great difficulties and irreparable - loss.

7. In case if this Court even after inspection, comes to the conclusion that the schedule houses are required for the forma-

(4)

- 44 -

formation of the road, they are willing to give up their possession.

Wherefore the petitioners pray that this Court be pleased to pass an order - cancelling the acquisition of the schedule houses and further a Stay order may be -- issued during the pendency of this petition, so as to stop the demolition of the schedule houses.

SCHEDULE.

Door No.	East.	West.	North.	South.
2398/1.	Door No. 2398.	Lane.	Sanniah's house.	Road.
2398.	Lane.	Door No. 2398/2.	do.	Road.
2396.	Owner's land.	Lane.	Thimiah's house.	Road.
2391/1	Road	D.M. 2396.	Lane	Road.

Petitioners.



L.T. mark of Venkatesh



L.T. mark of Kariyappa.

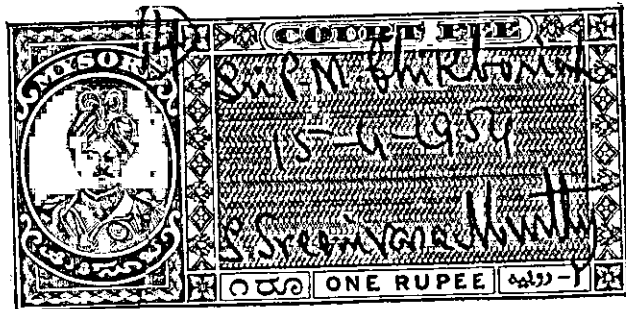


L.T. mark of Devamma.

C. J. Dhanaiah
P. M. Chikkabiah
Advocate
Counsel for the
Petitioners.

16-4-54.

Copy 294



IN THE COURT OF THE

Hon'ble Minister for Health and
Trust Board, Govt of Mysore
Bangalore
Defendant/Respondent
Judgement Debtor

CASE No.

OF 195 - 195

Plaintiff/Appellant/Petitioner
Decree Holder

1. Venkataiah
2. Kariyappa.
3. Devanama

VS.

I, the Petitioner above named do, by these presents
retain Sri C. J. Devanath B. A LL B. Advocate and P. M. Chikkabombiah B. A. B. L.
Lawyer to appear for and conduct the above case on my/ our behalf to judgement.

2. I further empower him / them to do all the necessary acts in the above case to file
applications and to execute any decree or order that may be passed in my / our behalf
and to receive from the court all documents, refunds and all sums of money that
I may be entitled to get and grant receipts therefor.

3. I also undertake to confirm and ratify all the legal acts done by the said
counsel or any other counsel on his behalf in so doing

4. The said counsel may continue to appear if his fees are not fully paid up.

Accepted by C. J. Devanath B. A LL B. Advocate
Signed before me and personally known to me
P. M. Chikkabombiah
P. M. Chikkabombiah
Advocate for the Petitioner.

Dated 16.4.1954.

Dated 16.4.1954.

subject :- Acquisition of S.W.S

M. G. S. App. P. G. 3.

MYSORE GOVERNMENT
SECRETARIAT

(Continuation sheet draft form).

Isst-

2398/1, 2398, 2396 and
2391/1, Patavahalli,
Sevanjenuhalli, Mysore.

L 855/81

20-4-53

To,

The Chairman, C.G.T.

Bombay, Mysore.

Sir,

I am directed to
forward ~~you~~ here with a copy
of petition of 16-4-53
received from
Sir. Kari gaffa & thus
on the above subject &
to request you to stay
for the proceedings
pending issue of final order
in the matter.

The Minister for P. & L.S.

will inspect the spot, when
he visits Mysore, next.

Yours faithfully
[Signature]

Secy Asst-Secy.

copy to P.A. to the Minister for
P. & L.S.

W. S. S. 4

Subject: Acquisition of D. No. 2398/1, (7)

M. G. S. App. F. G. 3.

MYSORE GOVERNMENT
SECRETARIAT

(Continuation sheet draft form).

II affl-

2 cfi

L 856^{2398, 2396 and 2391/1}
20-4-54 in Palavara Lalli,
Dwarajawadulla, Mysore city

~~is~~ endorsement granted
to Sri. Karigappa alias
Venkata & others
through ^{to} Sri. C. T. Dwarath
B.A. L.L.B.
Advocate.
Mysore city.

With reference to their petition
16-4-54 on the above
subject, Sri. Karigappa
& others are informed
that ~~it is ordered~~ the
chairman, C.T.D. Society,
Mysore, has been requested
to stay further proceedings
in the matter pending
issue of final orders
in the matter.

20/4/54

~~20/4/54~~
20/4
Asst Secy.

GOVERNMENT OF MYSORE.

(8)

Mysore Government

~~General Secretary~~
Municipal Branch, Secretariat,

No. L. 856

Dated, Bangalore 22 April 1954

ENDORSEMENT.

Granted to

Sri Kariyappa alias Venkata & others
c/o Sri C.J.Dévanath, B.A., LL.B.,
Advocate, Mysore City.

Subject:- Acquisition of D.Nos.2398/1, 2398, 2396
and 2391/1 in Paduvarahalli, Devaraja
Mohalla, Mysore City.

With reference to their petition dated 16-4-1954
on the above subject, Sri Kariyappa & others are in-
formed that the Chairman, City Improvement Trust
Board, Mysore, has been requested to stay further
proceedings pending issue of final orders in the
matter.

(V. Hanumanthappa)

Asst. Secretary to Governmen
L.S.G. & Planning Departments.

LNS.2.20/4.

Subject :- Acquisition of S. N. S.

⑨

23 98/1, 2398, 2396 and

2391/1, Padavana halli,

Devanaja Rohalla - Mysore

Pete of Sri. Kariappa & others

30-9-54

T,

The chair man, C.G.T.B, Mysore.

Sir,

~~I am for~~

In continuation of this office letter

NK 855 & 20-4-54 on the above subject, I

~~am directed to state, I am directed to state~~

am direct to invite your attention to the inspection made by the Minister for P.H and Leg, of the Fakirani spot on 17-9-1954, when you were also present and to state as follows:-

The service road originally aligned will be in keeping with the alignment of the roads to the east of the petitioners' houses. The formation of this road will not involve acquisition of their properties. But the Trust Board now proposes to slightly deviate the road, which involves acquisition of some portions of their houses. It is found that the deviation proposed is unnecessary and will not fit in with the alignment of the roads in the immediate vicinity, apart from the hardship and inconvenience caused to the petitioners. ~~for~~ The formation of the road as originally planned was also agreed to by you during the inspection.

In these circumstances, I am to add that

the acquisition of properties NS 2398/1, 2398, 2396 and 2391/1 may be dropped and ~~the~~ fresh proposals to form the road as originally aligned with the necessary declaration statements etc

Sanctioned in
81 NK 15927-31/
J.T.B 3-53-18
of 4-3-54

Use
page 10
of the
collection
book.
-P.S.K

(17)

sent to govt.

infact
Cagle
Nestberg

Memor. L 7953 dt- 30⁹/54

copy to the nl. comm., by me inf- nll-

thru the plc for information

Cagle
Nestberg

100

100
20/9/54

(11)

L. 7952 / STB. 12-54-11. 1954
30-9-54

The Chairman,
City Improvement Trust Board,
Mysore.

Subject:- Acquisition of Door Nos. 2398/1, 2398, 2396 and 2391/1
Tadavarahalli, Devaraja Mohalla - Mysore
Petition of Sri Kariappa & others.

In continuation of this office letter No.L.855 dated the 20th April 1954, I am directed to invite your attention to the inspection made by the Minister for Public Health and Local Self-Government, of the takrar spot on 17th September 1954, when you were also present and to state as follows:-

The service road originally aligned will be in keeping with the alignment of the roads to the east of the petitioners' houses. The formation of this road will not involve acquisition of their properties. But the Trust Board now propose to slightly deviate the road, which involves acquisition of some portions of their houses. It is found that the deviation proposed is unnecessary and will not fit in with the alignment of the roads in the immediate vicinity, apart from the hardship and inconvenience caused to the petitioners. The formation of the road as originally planned was also agreed to by you during the inspection.

In these circumstances, I am to add that the acquisition of properties Nos. 2398/1, 2398, 2396 and 2391/sanctioned in Government order No.L. 15927-31/I.T.B.3-53-18 dated the 4th March 1954, may be dropped and that fresh proposals to form the road as originally aligned with the necessary declaration statements etc., sent to Government.

Yours faithfully,

(Sd.)

(V. Hanumanthappa)

Asst. Secretary to Government,
L.S.C. & Planning Departments.

Memo No.L. 7953

30/9/54

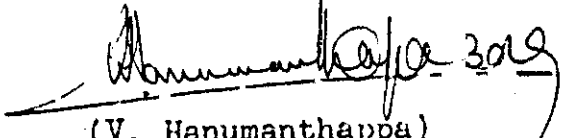
LM.2.30/9.

Copy of the above is forwarded to the Municipal Commis-

(12)

- 2 -

Municipal Commissioner, Mysore City Municipality, (through the President) for information.


(V. Hanumanthappa)
Asst. Secretary to Government,
L.S.G. & Planning Departments.
